

NTSB Order No. EA-4007

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD  
at its office in Washington, D.C.  
on the 18th day of October, 1993

Respondent .

Docket SE-11542

Respondent has filed a petition seeking reconsideration of Board Order EA-3947 (served August 6, 1993), in which we denied his appeal from a law judge's determination that he violated sections 43.13(a) and (b) of the Federal Aviation Regulations ("FAR," 14 C.F.R.) in connection with maintenance work performed on a Cessna 185B aircraft on January 5, 1989.<sup>1</sup> Upon review of respondent's petition and the Administrator's response in opposition thereto, we have concluded that the petition neither

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establishes error in our original decision nor otherwise presents any valid basis for the reconsideration thereof.

In his petition, respondent reiterates several arguments that were previously advanced in connection with his appeal. Such arguments were carefully considered by the Board at that time, and we do not believe that they now warrant any further evaluation or discussion. However, respondent has raised a matter in response to our decision which, while having no bearing on the merits of the case, calls for our attention.

As a matter collateral to our affirmation of the law judge's initial decision sustaining the Administrator's order of suspension, we ordered that the 30-day suspension of the airframe rating on respondent's airman mechanic certificate (which had been stayed pending his appeal to the Board) begin 30 days from the date of service of Order EA-3947 and noted that he was required to physically surrender the certificate to an appropriate representative of the FAA pursuant to FAR sections 61.19(f) and 65.15(c).<sup>2</sup> Respondent, in his petition for reconsideration, appears to dispute the authority of both the Administrator and the Board to mandate the surrender of his certificate.

As we have previously stated, the reason for the inclusion of such language in Board decisions involving certificate actions "is to remind the airman of the regulatory requirement that a certificate that has been suspended or revoked must be surrendered to the FAA."<sup>3</sup> The Board has no independent authority to order the surrender of airman certificates. We would, however, point out that, should respondent refuse to surrender his certificate, he may be faced with a separate enforcement action which might itself be the basis for the imposition of additional sanctions by the Administrator.

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<sup>2</sup>See Order EA-3947 at 10 & n.18. The cited FAR provisions read as follows:

"§ 61.19 Duration of pilot and flight instructor certificates.

\* \* \* \* \*

(f) Return of certificate. The holder of any certificate issued under . . . [P]art [61] that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

§ 65.15 Duration of certificates.

\* \* \* \* \*

(c) The holder of a certificate issued under . . . [P]art [65] that is suspended, revoked, or no longer effective shall return it to the Administrator."

<sup>3</sup>Administrator v. Garber, 4 NTSB 75, 77 (1983).

**ACCORDINGLY, IT IS ORDERED THAT:**

Respondent's petition for reconsideration is denied.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HART, and HAMMERSCHMIDT, Members of the Board, concurred in the above order.